

July 27, 2016

Explaining visa denials

Q. I just applied for my first tourist visa. Why was I denied? What did I do wrong?

Most applicants who are denied visas have done nothing wrong, they simply did not qualify for the visa they applied for. U.S. immigration law (section 214(b)) presumes that applicants for most nonimmigrant visa categories actually have immigrant intent. Applicants overcome this presumption by demonstrating strong ties to their home country that will compel them to leave the United States at the end of their temporary stay. What are strong ties? They are the various aspects of your life that bind you to your home country. They vary from country to country, town to town, and person to person, but may include your job, your home, and/or your relationships with family and friends.

When conducting visa interviews, consular officers look at each application individually and consider the applicant's circumstances, travel plans, financial resources, and ties outside of the United States that will ensure the applicant's departure after a temporary visit. The majority of visa applications are approved, but not all applicants qualify, depending on their individual circumstances. For example, it may be difficult for a young adult starting out on their own and who has never traveled to demonstrate adequate ties to Jamaica, but this does not imply the applicant has done anything wrong. Their circumstances simply do not qualify them for a visa at that time.

Being denied a visa does not mean you can't ever reapply, but we recommend that you consider your situation before scheduling another interview. Unless your circumstances change considerably, it is not likely that you will be able to establish your eligibility for a visa within a very short time of having been found ineligible. In general, it is usually more productive to wait at least a year before reapplying, and to be prepared to explain any significant changes in your life since your last application. Have you passed a major life milestone? Has something else changed that is significant and durable? If so, please tell us about it when you reapply. Otherwise, we do not recommend that applicants continue to reapply when nothing has changed, simply in hopes of being approved.

Some applicants are denied because they actually did something wrong - they attempted to conceal a grounds of ineligibility, either on their application or in their interview with a consular officer. An applicant who is truthful might initially be ineligible for a visa because of a previous ineligibility, but could be eligible for a waiver and ultimately be issued a visa if the full facts are known. But an applicant who attempts to conceal facts from the officer, or lies outright, risks being permanently barred from entering the United States. In other words, an old ineligibility might not prevent you from visiting the United States, but telling lies about it can.

Other applicants are denied because they present fraudulent documents. This includes things like fake letters of employment, as well as real letters that have been modified to show a higher salary or more impressive job title. Changing a letter from your school or employer is fraud. Applicants who are caught with fake documents usually tell us they are motivated to use fake documents because they feared their own jobs and salaries were "not good enough." This is not a good reason to commit fraud; every day we issue visas to applicants from all walks of life and almost every possible vocation, from all income levels. Handing us fake or altered documents is an excellent way to earn a permanent ineligibility. Instead of committing fraud, please come as your true self. Your explanation of your circumstances here in Jamaica and of your travel plans is the most important part of your application and interview.

Remember, a refusal under section 214(b) is not permanent. When your circumstances have changed sufficiently to demonstrate your strong ties to your home, you may wish to apply again. The Consular Officers at the embassy want to say "approved" to applicants, and we say "approved" whenever we can under U.S. law. By giving us honest and truthful information about your circumstances and travel plans, and avoiding the use of fake documents, you make it easier for us to evaluate your circumstances and determine your eligibility for a visa.

We hope this explanation helps you understand more about visa issuances and refusals, and convinces you that the truth is best. Don't complicate your application with fake documents or attempts to alter the truth – just explain your situation. Consular officers make the best determination they can based on the information you provide, so please give them a true description of your situation. We wish you well, and thank you for your interest in visiting the U.S.!

You can find more information about how to travel to the US on the embassy's website at kingston.usembassy.gov and the website of our authorized service provider at usvisa-info.com. Keep on top of embassy news on our Facebook page, facebook.com/pages/USEmbassy-Jamaica, and by following @USEmbassyJA on Twitter. We also answer general visa questions on our Facebook and Twitter pages.

You may also send your questions to: editorial@jamaicaobserver.com to be forwarded to the embassy.

Reminder: Your appointment time is your arrival time, NOT your interview time. Do not show up earlier than your appointment time.